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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,708	03/24/2000	Robert G. Arsenault	PD-980130	2593
20991	7590	12/29/2004	EXAMINER	
THE DIRECTV GROUP INC PATENT DOCKET ADMINISTRATION RE/R11/A109 P O BOX 956 EL SEGUNDO, CA 90245-0956			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/534,708	Applicant(s) ARSENAULT ET AL.	
	Examiner Hai Tran	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 07/22/2004 have been fully considered but they are not persuasive.

Claims 28, 36 and 37, Applicant argues, "...there is no teaching or suggestion in Gordon et al. to add conditional logic to channel objects including more than one channel definition, the conditional logic is evaluated by a receiver to identify a first channel definition or a second channel definition."

In response, the Examiner respectfully disagrees with applicant because Gordon discloses that by implementing/adding conditional access (conditional logic) to channel objects, i.e., ABC (Fig. 1, el. 135 or Fig. 11-14) that user is entitled to view (page 9, sect.0088). In doing so, the conditional access (page 9, sect.0088) is evaluated by the receiver unique terminal identification (page 7, sect. 0070) so to identify which channel definition associates with corresponding channel object that is allow displaying on the TV, i.e., PPV, VOD or subscription services like HBO, Showtimes, etc... (page 8, sect. 0085-0087 and page 8, section 0088). Moreover, Gordon's channel objects, i.e., ABC (Fig. 1, el. 135 or Fig. 11-14), clearly include more than one channel definitions, i.e. Oprah Winfrey, Drew Carey and News (see Fig. 11B; also see Fig. 6, page 10, section 0102).

Applicant further argues, "Gordon et al. do not disclose or suggest channel definitions to identify channel content components including a video component or an audio component needed to construct a particular television channel for display."

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In response, the Examiner respectfully disagrees with applicants because Gordon Fig. 6; 11-14 clearly shows channel definition, i.e., Happy Trails Roy Rogers of Fig. 12B, including a video component (show in the window "Video Here" the corresponding video component) that is needed to construct a particular channel for display (page 16, sect. 0155-0156 and page 18, section 0184).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 28-40 are rejected under 35 U.S.C. 102(e) as being Gordon by US 2001/0056577A1.

Claim 1, Gordon discloses a method of broadcasting TV content and program guide data (Fig. 1 and 2), the TV content (video sources) divided into a plurality of TV channels (i.e., FOX... page 6, sect. 0065), each TV channel constructed from at least one content component (page 6, sect. 0065), the program guide data including multiple channel objects (page 5, sect. 0050), each channel object (Fig. 1, el. 135; Fig. 11-14, el. 610-1..8), associated with one of the TV channels (Fig. 11A-14; i.e. CNN associates with channel 5), each channel object (TV program icons, i.e. CNN),

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including at least one channel definition (i.e., video PID) that identifies the channel content components needed to construct the TV channel associated with that channel object for display (page 16, sect. 0155-0156 and page 18, section 0184), wherein the method comprising:

Providing the TV content and the program guide data (Fig. 4);

Adding conditional logic to channel objects (page 9, sect. 0088) that include more than one channel definition, the conditional logic including one or more conditions that must be evaluated by a receiver (the conditional access is evaluated by the receiver unique terminal identification see page 7, sect. 0070) to identify a 1st channel definition or a 2nd channel definition, the 1st channel definition being associated with a 1st video component or a 1st audio component, and the 2nd channel definition being associated with a 2nd video component or a 2nd audio component (the receiver with its unique terminal identification (page 7, sect. 0070) identifies which channel definition associates with corresponding channel object that is allow displaying on the TV, i.e., PPV, VOD or subscription services like HBO, Showtimes, etc... see page 8, sect. 0085-0087 and page 9, section 0088);

Combining the TV content and the program guide data into an output stream (Fig. 4, el. 450); and broadcasting the output stream to a plurality of receivers (page 6, sect. 0062-page 7, sect. 0070).

Claim 29, wherein one of the conditions contained in the conditional logic of a channel object is based on subscription data representing channels to which a user subscribes (page 8, sect. 0084-0088).

Claim 30, wherein one of the conditions contained in the conditional logic of a channel object is based on selection history data representing programs that a user has previously watched (page 9, sect 0098; page 15, sect 0144-0148; page 17, sect.0174).

Claim 31, wherein one of the conditions contained in the conditional logic of a channel object is based on receiver characteristics data representing a characteristic of the receivers (page 9, sect. 0091-92).

Claim 32, wherein the receiver characteristic data includes geographic location data representing a specific geographic location, and one of the conditions contained in the conditional logic of a channel object is based on the geographic location data (page 9, sect. 0098).

Claim 33, wherein the receiver characteristics data includes at least one identification code that uniquely identifies a receiver, and one of the conditions contained in the conditional logic of a channel object is based on the identification code (page 7, sect. 0070).

Claim 34, wherein the conditions contained in the conditional logic of a channel object is based on both the current time at the site of the receivers and subscription data representing channels to which users of the receivers subscribe (page 5, section 0057-059; page 8, sect. 0085 and page 10, sect 0102).

Claim 35, wherein one of the conditions contained in the conditional logic of a channel object associated with a pay per view television channel is based on the current time at the site of the receivers and pay per view purchase data representing pay per view programs that have been ordered by a user (page 5, section 0057-059; page 8, sect. 0087 and page 10, sect 0102).

Claim 36, Gordon discloses a method of receiving television content and program guide data that is broadcast from a television broadcasting station (Fig. 2), the TV content (video sources) divided into a plurality of TV channels (i.e., FOX... page 6, sect. 0065), each TV channel constructed from at least one channel content component (video encoder of Fig. 4; page 6, sect. 0065), the program guide data including multiple channel objects (page 5, sect. 0050), each channel object (Fig. 1, el. 135; Fig. 11-14, el. 610-1..8) associated with one of the TV channels (Fig. 11A-14; i.e. CNN associates with channel 5), each channel object (TV program icons, i.e. CNN), including at least one channel definition (i.e., video PID) that identifies the channel content components including a video component or an audio component needed to construct the TV channel associated with that channel object for display

(page 16, sect. 0155-0156 and page 18, section 0184), each channel object with more than one channel definition including conditional logic (page 9, sect. 0088) having one or more conditions that must be evaluated to identify an appropriate channel definition (the conditional access is evaluated by the receiver unique terminal identification see page 7, sect. 0070), the method comprising:

Receiving the TV content and the program guide data by a receiver station that includes a receiver;

Storing the program guide data in a memory 276 (sect. 0092);

Receiving a tuning request that selects a TV channel (page 3, sect. 0036);

Responding to the tuning request by evaluating the conditions in the conditional logic of the channel object associated with the selected TV channel and identifying a 1st channel definition or a 2nd channel definition for that TV channel (page 3, sect. 0037-0040); the 1st channel definition being associated with a 1st video component or a 1st audio component, and the 2nd channel definition being associated with a 2nd video component or a 2nd audio component (page 7, sect. 0073-page 8, sect 0077; sect. 0081-0087); and

Generating an output of the selected TV channel, the output including the channel content components identified by the 1st channel definition or the 2nd channel definition (page 5, sect-0056-page 6, sect. 0060 and page 7, sect. 0075).

Claim 37 apparatus claim is analyzed with respect to method claim 36.

Claims 38-40, Gordon further discloses wherein the 1st channel definition comprises a channel definition defining channel content components associated with

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a user who have purchased a program or an event, and wherein the 2nd channel definition comprises a channel definition defining channel content components associated with a user who have not purchased a program or an event (page 8, sect. 0087-0088; page 9, sect. 0095-0098).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
12/22/2004


HAITRAN
PRIMARY EXAMINER